

**Town of Milford  
Zoning Board of Adjustment Minutes  
April 4, 2013  
Better Business...Better Food, Inc. c/o Jason Martel  
Case #2013-04  
Special Exception**

Present: Fletcher Seagroves, Chairman  
Laura Horning, Vice Chairman  
Zachary Tripp  
Kevin Taylor  
Bob Pichette  
  
Paul Butler, Alternate

Secretary: Mindy Lavallee

Better Business...Better Foods, Inc. C/O Jason Martel DBA Francetown Village Foods, along with the owners, Herbert and Cheryl Hardman, of Map 19, Lot 25-4, 183 Elm St, are requesting a special exception as allowed by Article V, Section 5.05.2:A.4, for a frozen food manufacturing facility in the Commercial district.

Motion to Approve: May 2, 2013

Fletcher Seagroves, Chairman, opened the meeting stating that the hearings are held in accordance with the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He informed all of the procedures of the Board.

F. Seagroves read the notice of hearing into the record. Jason Martel, the applicant, along with his business partner, Michael Webb, were present. Owners Herbert and Cheryl Hardman were also present.

F. Seagroves asked the applicants to come forward.

M. Webb explained that he and J. Martel currently operate a small frozen food manufacturing business in Frankestown, NH. Their current facility is located on the second floor at the Frankestown Village Store, a space they have outgrown. He said that Milford would be a suitable location to move their business to as there is more available labor and it is close to Route 101.

J. Martel said that he owns the Frankestown Village Store. The process of starting a food manufacturing business began many years ago, and as of two years this April, they became a FDA and USDA certified food facility. This means that there is an inspector in the facility every day to ensure all criteria are being met for food production. Moving the business to Milford will allow them to maintain their goal of sourcing locally. Aegis Container and Amherst Labeling are two local companies that provide packaging and labeling for their products. Their food products can be found on Hannaford and Start Market chains, but also at smaller local stores. He added that moving into the proposed space will take up 21.7% of the empty space currently in the Granite Town Plaza. The business would bring employment opportunities to Milford's labor force, as they plan on possibly hiring up to 40 or 50 employees in the future.

M. Webb added that they have future plans to add retail space at the proposed location, so that they can bring in more foot traffic for the plaza.

J. Martel added that they do everything by hand and do not operate a typical light industrial setting. There is no automation; the setup in the building is a series of kitchens where food is prepared by hand.

F. Seagroves asked the applicants to explain the process of how a product is made.

J. Martel used the diagram provided to the Board to explain the process, from receiving the raw product at the loading dock to sending out the product for delivery to local stores. He reminded the Board that the process is heavily regulated, clean and efficient. He added that the layout of the building works very well with their business model. He added that there is plenty of parking in the front and back of the building.

F. Seagroves asked the applicants to explain the flash freezing process. He asked if gas was used.

M. Webb said no, it is electric.

J. Martel added that everything is standard 3-phase electric, apart from the stoves, which are run on propane.

Z. Tripp asked where the compressors for the freezers will be located.

J. Martel said on the rooftop, and added that the structures for these mechanicals are already there. The contractor doing the HVAC work has worked on the Plaza before and is familiar with the building.

B. Pichette asked, in regards to the FDA and USDA certifications, how many times the business has been cited.

J. Martel said they have never been cited. He explained that he and M. Webb are certified by the USDA. They obtained this certification in conjunction with obtaining the USDA and FDA certifications for their business. He said that they do not depend on an outside source for direction; they are aware of all of the regulations and requirements for operation.

F. Seagroves asked about the AGNE (Associated Grocers of New England) pickup days and times.

J. Martel said AGNE pickup happens once a week during business hours, and the process takes less than an hour. This process would take place at the back of the building. There are specific hours allowed by the USDA for which products can be USDA stamped.

M. Webb added that USDA only allows them to operate between 7am and 3pm, and so deliveries will occur during those times, not earlier or later.

L. Horning asked what the applicants plans are for signage.

J. Martel said that at this time they are planning on putting up a sign of the same size and shape as the existing Milford Discount sign.

L. Horning asked if there was existing lighting for trucks behind the building.

J. Martel said yes, the lighting is already there. He added that he has met with both the Fire and Building departments and both entities seemed satisfied with the proposed plan and amenities. He is aware of the building permit process.

Z. Tripp asked for clarification on the number of units that will be used and the total square footage.

J. Martel said they would be taking up 4 units, which equals 8,120SF.

Z. Tripp asked what the applicants plan to do with the front of the building.

J. Martel said there are four (4) entrances, one for each of the existing units. The first unit has a large window which they will use as a vignette to display their product. The second door is going to be removed because there will be a freezer in front of it. The far two doors will remain open because those are going to eventually lead into the future retail space. There are also four exits in the back and the loading dock. There are eight (8) lighted exits within 250 feet of that blocked door which well exceeds fire regulations. Dry system in building now, will be running 8 sprinkle heads into case, 6 in the other, laid out and ready to go. Town Health inspector cannot make changes because they are federally regulated.

Z. Tripp asked if the retail space would accommodate 40 to 50 employees, as they had previously mentioned possible in the future.

M. Webb said not all of these individuals would be working in the kitchen/retail space; some would be drivers and administrative workers. The kitchen space can only manage 30 to 40 individuals.

L. Horning asked where employees would park.

J. Martel said there is a good amount of parking with sufficient lighting available in the back of the building. The back of the building would also be used for employee entrance.

F. Seagroves asked if they would be vacuum packaging any of their products.

J. Martel said no, it is not part of their business model.

F. Seagroves opened it up to public comment.

K. Bauer asked if the facility currently had a sprinkler system.

J. Martel said the building has a dry system with a 12-inch line coming to the building. More sprinkler than it needs, since it was originally four individual store fronts. Have to add sprinklers for walk in freezers and coolers because they are separate rooms within the buildings.

F. Seagroves closed the public portion of the meeting. He asked the applicants to read their application into the record.

M. Webb read the application:

**A. The proposed use is similar to those permitted in the district because:**

Manufacturing is allowed by special exception in the "C" district. There are other manufacturing businesses in the "C" district throughout Town, including the nearby large Permatatch building. Village Foods' manufacturing process is very similar to food preparation allowed in restaurants throughout the "C" district.

**B. The specific site is an appropriate location for the proposed use because:**

The available space is ideal for Village Foods' business. It is not adjacent to residential neighbors and is surrounded by mixed commercial use. The location allows for occupancy of space and increased utilization of the plaza, which is the intent of this special exception.

**C. The use as developed will not adversely affect the adjacent area because:**

As a USDA and FDA certified facility we are heavily regulated and held to the highest standards of manufacturing. Our utilization of the building will cause no greater impacts than what is currently permitted at Granite Town Plaza.

**D. There will be no nuisance or serious hazard to vehicles or pedestrians because:**

Granite Town Plaza is a commercial center designed for safe pedestrian and vehicle access.

**E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:**

The plaza can easily accommodate our process given existing structure, availability of utilities, parking and access.

F. Seagroves asked Committee members to discuss the criteria for special exception.

**A. The proposed use is similar to those permitted in the district because:**

Z. Tripp said yes, the use is similar. The applicant testified that there are restaurants within the district that operate in a similar manner.

B. Pichette said yes, the use is similar. Permattech is a manufacturing operation in the district, as was the Pennichuck Brewing Company.

L. Horning said she agreed that the use is similar.

K. Taylor said he agreed that the use is similar.

F. Seagroves said he agreed that the use is similar. The pizza restaurant and the Chinese restaurant are performing similar operations as the business being proposed by the applicant.

**B. The specific site is an appropriate location for the proposed use because:**

B. Pichette said yes, it is an appropriate location. There is plenty of parking, the business will fill a vacant space and it will help other businesses in the area.

Z. Tripp said there is plenty of space with the four units combined. There is plenty of space and a loading dock behind the building for delivery truck access, and plenty of parking in the front.

K. Taylor said parking, access and pedestrian safety is provided for.

L. Horning said she agreed the site is appropriate. The vignette widow will help increase foot traffic at the plaza.

F. Seagroves said he agreed with the other Board members. There would not be too much of an increase in traffic as if there were four individual businesses at this location. The business will fit in with the other businesses in the area.

**C. The use as developed will not adversely affect the adjacent area because:**

K. Taylor said it will not adversely affect the area.

B. Pichette said he thought it would be beneficial, more exposure for GTP.

L. Horning said she agreed with the other members, the business will accentuate the area.

Z. Tripp said he agreed, this level of manufacturing will not have an adverse effect on the area.

F. Seagroves said he agreed with the other Board members. The flash freezing process will not cause noise.

**D. There will be no nuisance or serious hazard to vehicles or pedestrians because:**

L. Horning said there will not be any nuisance or hazard.

B. Pichette said he agrees. The plaza was designed for commercial use, and there is a set of traffic lights to navigate traffic in and out of the plaza.

K. Taylor said he does not see any nuisance or hazards.

Z. Tripp said moving from four to one unit might even cause less traffic, cut down on deliveries and employees leaving/entering for shift changes.

F. Seagroves said he agreed. There is a sidewalk in front of the buildings for pedestrian safety. There are trucks already making deliveries there.

**E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:**

Z. Tripp said he is confident that the building permit process and FDA/USDA regulations will ensure appropriate facilities are provided.

K. Taylor said he agreed.

B. Pichette said based on the business plan, he agrees that appropriate facilities will be provided.

L. Horning said she agreed and also felt that the business plan answered a lot of their questions.

F. Seagroves said he agreed. Everything has been explained clearly and he believes adequate facilities will be provided.

F. Seagroves called for a vote.

After reviewing the petition and after hearing all of the evidence and taking into consideration the personal knowledge of the property in question this Board of Adjustment member has determined the following findings of fact:

**Is the exception allowed by the Ordinance?**

L. Horning – yes; B. Pichette – yes; K. Taylor – yes; Z. Tripp – yes; F. Seagroves – yes.

**Are the specific conditions present under which the exception may be granted?**

B. Pichette – yes; Z. Tripp – yes; L. Horning – yes; K. Taylor – yes; F. Seagroves – yes.

F. Seagroves requested a motion to approve the Special Exception.

K. Taylor made a motion to approve the Special Exception for Case #2013-04.

B. Pichette seconded.

**Final Vote: a “yes” is a vote of approval.**

Z. Tripp – yes; B. Pichette – yes; L. Horning – yes; K. Taylor – yes; F. Seagroves – yes.

F. Seagroves informed the applicant he had been unanimously approved and informed him of the 30-day appeal period.